

Constitution of the United States

The Constitution of the United States is truly a remarkable document. It was one of the first written constitutions in modern history. The Framers wanted to devise a plan for a strong central government that would unify the country, as well as preserve the ideals of the Declaration of Independence. The document they wrote created a representative legislature, the office of president, a system of courts, and a process for adding amendments. For over 200 years, the flexibility and strength of the Constitution has guided the nation's political leaders. The document has become a symbol of pride and a force for national unity.

The entire text of the Constitution and its amendments follows. For easier study, those passages that have been set aside or changed by the adoption of amendments are printed in blue. Also included are explanatory notes that will help clarify the meaning of each article and section.



The Capitol, Washington, D.C.

Preamble

We, the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I

Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2

1. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
2. No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.
3. Representatives and direct Taxes shall be apportioned among the several states which may be included within this Union, according to the respective Numbers, **which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all other Persons.** The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each state shall have at Least one Representative; **and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three; Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New**

The Preamble introduces the Constitution and sets forth the general purposes for which the government was established. The Preamble also declares that the power of the government comes from the people.

The printed text of the document shows the spelling and punctuation of the parchment original.

Article I. The Legislative Branch

Section 1. Congress

The power to make laws is given to a Congress made up of two chambers to represent different interests: the Senate to represent the states; the House to be more responsive to the people's will.

Section 2. House of Representatives

1. **Election and Term of Office** "Electors" means voters. Every two years the voters choose new Congress members to serve in the House of Representatives. The Constitution states that each state may specify who can vote. But the 15th, 19th, 24th, and 26th Amendments have established guidelines that all states must follow regarding the right to vote.
2. **Qualifications** Representatives must be 25 years old, citizens of the United States for 7 years, and residents of the state they represent.
3. **Division of Representatives Among the States** The number of representatives from each state is based on the size of the state's population. Each state is divided into congressional districts, with each district required to be equal in population. Each state is entitled to at least one representative. The number of representatives in the House was set at 435 in 1929. Since then, there has been a reapportionment of seats based on population shifts rather than on addition of seats.
Only three-fifths of a state's slave population was to be counted in determining the number of representatives elected by the state. Native Americans were not counted at all.
The "enumeration" referred to is the

census, the population count taken every 10 years since 1790.

4. **Vacancies** Vacancies in the House are filled through special elections called by the state's governor.
5. **Officers** The Speaker is the leader of the majority party in the House and is responsible for choosing the heads of various House committees. "Impeachment" means indictment, or bringing charges against an official.

Section 3. The Senate

1. **Number of Members, Terms of Office, and Voting Procedure** Originally, senators were chosen by the state legislators of their own states. The 17th Amendment changed this, so that senators are now elected directly by the people. There are 100 senators, 2 from each state.
2. **Staggered Elections; Vacancies** One-third of the Senate is elected every two years. The terms of the first Senate's membership was staggered: one group served two years, one four, and one six. All senators now serve a six-year term.

The 17th Amendment changed the method of filling vacancies in the Senate.

3. **Qualifications** Qualifications for the Senate are more restrictive than those for the House. Senators must be at least 30 years old and they must have been citizens of the United States for at least 9 years. The Framers of the Constitution made the Senate a more elite body in order to produce a further check on the powers of the House of Representatives.
4. **President of the Senate** The vice president's only duty listed in the Constitution is to preside over the Senate. The only real power the vice president has is to cast the deciding vote when there is a tie. However, modern presidents have given their vice presidents new responsibilities.
5. **Other Officers** The Senate selects its other officers, including a presiding officer (president pro tempore) who serves when the vice president is absent or has become president of the United States.

York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten; North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.
5. The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof; for six Years; and each Senator shall have one Vote.
2. Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignations, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.
3. No person shall be a Senator who shall not have attained the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.
4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.
5. The Senate shall chuse their Officers, and also a President pro tempore, in the absence of the Vice-President or when he shall exercise the Office of the President of the United States.

6. The Senate shall have the sole Power to try all impeachments. When sitting for that purpose they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the Concurrence of two-thirds of the Members present.
7. Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of Honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4

1. The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each state by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of Chusing Senators.
2. The Congress shall assemble at least once in every Year, **and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.**

Section 5

1. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.
2. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two-thirds, expel a Member.

6. Trial of Impeachments When trying a case of impeachment brought by the House, the Senate convenes as a court. The chief justice of the United States acts as the presiding judge, and the Senate acts as the jury. A two-thirds vote of the members present is necessary to convict officials under impeachment charges.

7. Penalty for Conviction If the Senate convicts an official, it may only remove the official from office and prevent that person from holding another federal position. However, the convicted official may still be tried for the same offense in a regular court of law.

Section 4. Elections and Meetings

1. Holding Elections In 1842 Congress required members of the House to be elected from districts in states having more than one representative rather than at large. In 1845 it set the first Tuesday after the first Monday in November as the day for selecting presidential electors.

2. Meetings The 20th Amendment, ratified in 1933, has changed the date of the opening of the regular session of Congress to January 3.

Section 5. Organization and Rules of Procedure

1. Organization Until 1969 Congress acted as the sole judge of qualifications of its own members. In that year, the Supreme Court ruled that Congress could not legally exclude victorious candidates who met all the requirements listed in Article I, Section 2.

A “quorum” is the minimum number of members that must be present for the House or Senate to conduct sessions. For a regular House session, a quorum consists of the majority of the House, or 218 of the 435 members.

2. Rules Each house sets its own rules, can punish its members for disorderly behavior, and can expel a member by a two-thirds vote.

3. **Journals** In addition to the journals, a complete official record of everything said on the floor, as well as the roll call votes on all bills or issues, is available in the *Congressional Record*, published daily by the Government Printing Office.
4. **Adjournment** Neither house may adjourn for more than three days or move to another location without the approval of the other house.

Section 6. Privileges and Restrictions

1. **Pay and Privileges** To strengthen the federal government, the Founders set congressional salaries to be paid by the United States Treasury rather than by members' respective states. Originally, members were paid \$6 per day. Salaries for senators and representatives were \$136,700 beginning in 1998.

The "immunity" privilege means members cannot be sued or be prosecuted for anything they say in Congress. They cannot be arrested while Congress is in session, except for treason, major crimes, or breaking the peace.

2. **Restrictions** "Emoluments" means salaries. The purpose of this clause is to prevent members of Congress from passing laws that would benefit them personally. It also prevents the president from promising them jobs in other branches of the federal government.

Section 7. Passing Laws

1. **Revenue Bills** "Revenue" is income raised by the government. The chief source of government revenue is taxes. All tax laws must originate in the House of Representatives. This ensures that the branch of Congress which is elected by the people every two years has the major role in determining taxes. This clause does not prevent the Senate from amending tax bills.
2. **How Bills Become Laws** A bill may become a law only by passing both houses of Congress and by being signed by the president. If the president disapproves, or vetoes, the bill, it is returned to the house where it originated, along with a written statement of the

3. Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the desire of one-fifth of those Present, be entered on the Journal.
4. Neither House during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6

1. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace be privileged from Arrest during their attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other place.
2. No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased, during such time; and no Person holding any Office under the United States, shall be a Member of either House during his continuance in Office.

Section 7

1. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other bills.
2. Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections, to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the

objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

3. Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the case of a Bill.

Section 8

The Congress shall have the Power

1. To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;
2. To borrow money on the credit of the United States;
3. To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
4. To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States.
5. To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
6. To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

president's objections. If two-thirds of each house approves the bill after the president has vetoed it, it becomes law. In voting to override a president's veto, the votes of all members of Congress must be recorded in the journals or official records. If the president does not sign or veto a bill within 10 days (excluding Sundays), it becomes law. However, if Congress has adjourned during this 10-day period, the bill does not become law. This is known as a "pocket veto."

3. **Presidential Approval or Veto** The Framers included this paragraph to prevent Congress from passing joint resolutions instead of bills to avoid the possibility of a presidential veto. A bill is a draft of a proposed law, whereas a resolution is the legislature's formal expression of opinion or intent on a matter.

Section 8. Powers Granted to Congress

1. **Revenue** This clause gives Congress the power to raise and spend revenue. Taxes must be levied at the same rate throughout the nation.
2. **Borrowing** The federal government borrows money by issuing bonds.
3. **Commerce** The exact meaning of "commerce" has caused controversy. The trend has been to expand its meaning and, consequently, the extent of Congress's powers.
4. **Naturalization and Bankruptcy** "Naturalization" refers to the procedure by which a citizen of a foreign nation becomes a citizen of the United States.
5. **Currency** Control over money is an exclusive federal power; the states are forbidden to issue currency.
6. **Counterfeiting** "Counterfeiting" means illegally imitating or forging.

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7. **Post Office** In 1970 the United States Postal Service replaced the Post Office Department.
8. **Copyrights and Patents** Under this provision, Congress has passed copyright and patent laws.
9. **Courts** This provision allows Congress to establish a federal court system.
10. **Piracy** Congress has the power to protect American ships on the high seas.
11. **Declare War** While the Constitution gives Congress the right to declare war, the United States has sent troops into combat without a congressional declaration.
12. **Army** This provision reveals the Framers' fears of a standing army.
13. **Navy** This clause allows Congress to establish a navy.
14. **Rules for Armed Forces** Congress may pass regulations that deal with military discipline.
15. **Militia** The "militia" is now called the National Guard. It is organized by the states.
16. **National Guard** Even though the National Guard is organized by the states, Congress has the authority to pass rules for governing its behavior.
17. **Nation's Capital** This clause grants Congress the right to make laws for Washington, D.C.
18. **Elastic Clause** This is the so-called "elastic clause" of the Constitution and one of its most important provisions. The "necessary and proper" laws must be related to one of the 17 enumerated powers.
7. To establish Post Offices and post Roads;
8. To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
9. To constitute Tribunals inferior to the Supreme Court;
10. To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations.
11. To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
12. To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
13. To provide and maintain a Navy;
14. To make Rules for the Government and Regulation of the land and naval forces;
15. To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections, and repel Invasions;
16. To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;
17. To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And
18. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9

1. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each Person.
2. The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.
3. No Bill of Attainder or ex post facto Law shall be passed.
4. No capitation, or other direct, Tax shall be laid unless in Proportion to the Census or Enumeration herein before directed to be taken.
5. No Tax or Duty shall be laid on Articles exported from any State.
6. No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.
7. No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.
8. No Title of Nobility shall be granted by the United States:—And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10

1. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder; ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Section 9. Powers Denied to the Federal Government

1. **Slave Trade** This paragraph contains the compromise the Framers reached regarding regulation of the slave trade in exchange for Congress's exclusive control over interstate commerce.
2. **Habeas Corpus** *Habeas corpus* is a Latin term meaning “you may have the body.” A writ of habeas corpus issued by a judge requires a law official to bring a prisoner to court and show cause for holding the prisoner. The writ may be suspended only during wartime.
3. **Bills of Attainder** A “bill of attainder” is a bill that punishes a person without a jury trial. An “ex post facto” law is one that makes an act a crime after the act has been committed.
4. **Direct Taxes** The 16th Amendment allowed Congress to pass an income tax.
5. **Tax on Exports** Congress may not tax goods that move from one state to another.
6. **Uniformity of Treatment** This prohibition prevents Congress from favoring one state or region over another in the regulation of trade.
7. **Appropriation Law** This clause protects against the misuse of funds. All of the president's expenditures must be made with the permission of Congress.
8. **Titles of Nobility** This clause prevents the development of a nobility in the United States.

Section 10. Powers Denied to the States

1. **Limitations on Power** The states are prohibited from conducting foreign affairs, carrying on a war, or controlling interstate and foreign commerce. States are also not allowed to pass laws that the federal government is prohibited from passing, such as enacting ex post facto laws or bills of attainder. These restrictions on the states were designed, in part, to prevent an overlapping in functions and authority with the federal government that could create conflict and chaos.

2. **Export and Import Taxes** This clause prevents states from levying duties on exports and imports. If states were permitted to tax imports and exports, they could use their taxing power in a way that weakens or destroys Congress's power to control interstate and foreign commerce.
3. **Duties, Armed Forces, War** This clause prohibits states from maintaining an army or navy and from going to war, except in cases where a state is directly attacked. It also forbids states from collecting fees from foreign vessels or from making treaties with other nations. All of these powers are reserved for the federal government.

Article II. The Executive Branch

Section 1. President and Vice President

1. **Term of Office** The president is given power to enforce the laws passed by Congress. Both the president and the vice president serve four-year terms. The 22nd Amendment limits the number of terms the president may serve to two.
2. **Election** The Philadelphia Convention had trouble deciding how the president was to be chosen. The system finally agreed upon was indirect election by "electors" chosen for that purpose. The president and vice president are not directly elected. Instead, the president and vice president are elected by presidential electors from each state who form the electoral college. Each state has the number of presidential electors equal to the total number of its senators and representatives. State legislatures determine how the electors are chosen. Originally, the state legislatures chose the electors, but today they are nominated by political parties and elected by the voters. No senator, representative, or any other federal officeholder can serve as an elector.
3. **Former Method of Election** This clause describes the original method of electing the president and vice president. According to this method, each elector voted for two

2. No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports and Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.
3. No State shall, without the Consent of Congress, lay any duty on Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article II

Section 1

1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four years, and together with the Vice-President chosen for the same Term, be elected, as follows:
2. Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.
3. **The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if**

there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; a quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them by Ballot the Vice President.

4. The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.
5. No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five years, and been fourteen Years a Resident within the United States.
6. In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice-President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice-President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the disability be removed, or a President shall be elected.
7. The President shall, at stated Times, receive for his Services a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

candidates. The candidate with the most votes (as long as it was a majority) became president. The candidate with the second highest number of votes became vice president. In the election of 1800, the two top candidates received the same number of votes, making it necessary for the House of Representatives to decide the election. To prevent such a situation from recurring, the 12th Amendment was added in 1804.

4. **Date of Elections** Congress selects the date when the presidential electors are chosen and when they vote for president and vice president. All electors must vote on the same day. The first Tuesday after the first Monday in November has been set as the date for presidential elections. Electors cast their votes on the Monday after the second Wednesday in December.
5. **Qualifications** The president must be a citizen of the United States by birth, at least 35 years old, and a resident of the United States for 14 years. See Amendment 22.
6. **Vacancies** If the president dies, resigns, is removed from office by impeachment, or is unable to carry out the duties of the office, the vice president becomes president. (Amendment 25 deals with presidential disability.) If both the president and vice president are unable to serve, Congress has the power to declare by law who acts as president. Congress set the line of succession in the Presidential Succession Act of 1947.
7. **Salary** Originally, the president's salary was \$25,000 per year. The president's current salary of \$400,000 plus a \$50,000 taxable expense account per year was enacted in 1999. The president also receives numerous fringe benefits including a \$100,000 nontaxable allowance for travel and entertainment, and living accommodations in two residences—the White House and Camp David. However, the president cannot receive any other income from the United States government or state governments while in office.

- 8. Oath of Office** The oath of office is generally administered by the chief justice, but can be administered by any official authorized to administer oaths. All presidents-elect except Washington have been sworn into office by the chief justice. Only Vice Presidents John Tyler, Calvin Coolidge, and Lyndon Johnson in succeeding to the office have been sworn in by someone else.

Section 2. Powers of the President

- 1. Military, Cabinet, Pardons** Mention of “the principal officer in each of the executive departments” is the only suggestion of the president’s cabinet to be found in the Constitution. The cabinet is a purely advisory body, and its power depends on the president. Each cabinet member is appointed by the president and must be confirmed by the Senate. This clause also makes the president, a civilian, the head of the armed services. This established the principle of civilian control of the military.
- 2. Treaties and Appointments** The president is the chief architect of American foreign policy. He or she is responsible for the conduct of foreign relations, or dealings with other countries. All treaties, however, require approval of two-thirds of the senators present. Most federal positions today are filled under the rules and regulations of the civil service system. Most presidential appointees serve at the pleasure of the president. Removal of an official by the president is not subject to congressional approval. But the power can be restricted by conditions set in creating the office.
- 3. Vacancies in Offices** The president can temporarily appoint officials to fill vacancies when the Senate is not in session.

Section 3. Duties of the President

Under this provision the president delivers annual State of the Union messages. On occasion, presidents have called Congress into special session to consider particular problems.

The president’s duty to receive foreign diplomats also includes the power to ask a foreign country to withdraw its diplomatic officials from

8. Before he enter on the execution of his office, he shall take the following Oath or Affirmation “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.

Section 2

1. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices, and he shall have Power to Grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.
2. He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law. But the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.
3. The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3

He shall from time to time give to Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive

Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4

The President, Vice-President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III

Section 1

The Judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2

1. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and treaties made, or which shall be made, under their Authority; to all Cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a party; to Controversies between two or more states; **between a State and Citizens of another State; between Citizens of different States;** between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.
2. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

this country. This is called “breaking diplomatic relations” and often carries with it the implied threat of more drastic action, even war. The president likewise has the power of deciding whether or not to recognize foreign governments.

Section 4. Impeachment

This section states the reasons for which the president and vice president may be impeached and removed from office. (See annotations of Article I, Section 3, Clauses 6 and 7.)

Article III. The Judicial Branch

Section 1. Federal Courts

The term *judicial* refers to courts. The Constitution set up only the Supreme Court but provided for the establishment of other federal courts. There are presently nine justices on the Supreme Court. Congress has created a system of federal district courts and courts of appeals, which review certain district court cases. Judges of these courts serve during “good behavior,” which means that they usually serve for life or until they choose to retire.

Section 2. Jurisdiction

1. **General Jurisdiction** Use of the words *in law and equity* reflects the fact that American courts took over two kinds of traditional law from Great Britain. The basic law was the “common law,” which was based on over five centuries of judicial decisions. “Equity” was a special branch of British law developed to handle cases where common law did not apply.
Federal courts deal mostly with “statute law,” or laws passed by Congress, treaties, and cases involving the Constitution itself. “Admiralty and maritime jurisdiction” covers all sorts of cases involving ships and shipping on the high seas and on rivers, canals, and lakes.
2. **The Supreme Court** When a court has “original jurisdiction” over certain kinds of cases, it means that the court has the authority to be the first court to hear a case. A court with “appellate jurisdiction” hears cases that have been appealed from lower courts. Most Supreme Court cases are heard on appeal from lower courts.

- 3. Jury Trials** Except in cases of impeachment, anyone accused of a crime has the right to a trial by jury. The trial must be held in the state where the crime was committed. Jury trial guarantees were strengthened in the 6th, 7th, 8th, and 9th Amendments.

Section 3. Treason

- 1. Definition** Knowing that the charge of treason often had been used by monarchs to get rid of people who opposed them, the Framers of the Constitution defined treason carefully, requiring that at least two witnesses be present to testify in court that a treasonable act was committed.
- 2. Punishment** Congress is given the power to determine the punishment for treason. The children of a person convicted of treason may not be punished nor may the convicted person's property be taken away from the children. Convictions for treason have been relatively rare in the nation's history.

Article IV. Relations Among the States

Section 1. Official Acts

This provision ensures that each state recognizes the laws, court decisions, and records of all other states. For example, a marriage license or corporation charter issued by one state must be accepted in other states.

Section 2. Mutual Duties of States

- 1. Privileges** The "privileges and immunities," or rights of citizens, guarantee each state's citizens equal treatment in all states.
- 2. Extradition** "Extradition" means that a person convicted of a crime or a person accused of a crime must be returned to the state where the crime was committed. Thus, a person cannot flee to another state hoping to escape the law.
- 3. Fugitive-Slave Clause** Formerly this clause meant that slaves could not become free persons by escaping to free states.

- The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3

- Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.
- The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article IV

Section 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

Section 2

- The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.
- A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the crime.
- No Person held to Service of Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.**

Section 3

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.
2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that **no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth clauses in the Ninth Section of the first Article**; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VI

1. All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

Section 3. New States and Territories

1. **New States** Congress has the power to admit new states. It also determines the basic guidelines for applying for statehood. One state, Maine, was created within the original boundaries of another state (Massachusetts) with the consent of Congress and the state.
2. **Territories** Congress has power over federal land. But neither in this clause nor anywhere else in the Constitution is the federal government explicitly empowered to acquire new territory.

Section 4. Federal Protection for States

This section allows the federal government to send troops into a state to guarantee law and order. The president may send in troops even without the consent of the state government involved.

Article V. The Amending Process

There are now 27 amendments to the Constitution. The Framers of the Constitution deliberately made it difficult to amend or change the Constitution. Two methods of proposing and ratifying amendments are provided for. A two-thirds majority is needed in Congress to propose an amendment, and at least three-fourths of the states (38 states) must accept the amendment before it can become law. No amendment has yet been proposed by a national convention called by the states, though in the 1980s a convention to propose an amendment requiring a balanced budget had been approved by 32 states.

Article VI. National Supremacy

1. **Public Debts and Treaties** This section promised that all debts the colonies had incurred during the Revolution and under the Articles of Confederation would be honored by the new United States government.

2. **The Supreme Law** The “supremacy clause” recognized the Constitution and federal laws as supreme when in conflict with those of the states. It was largely based on this clause that Chief Justice John Marshall wrote his historic decision in *McCulloch v. Maryland*. The 14th Amendment reinforced the supremacy of federal law over state laws.
3. **Oaths of Office** This clause also declares that no religious test shall be required as a qualification for holding public office. This principle is also asserted in the First Amendment, which forbids Congress to set up an established church or to interfere with the religious freedom of Americans.

Article VII. Ratification of the Constitution

Unlike the Articles of Confederation, which required approval of all thirteen states for adoption, the Constitution required approval of only nine of thirteen states. Thirty-nine of the 55 delegates at the Constitutional Convention signed the Constitution. The Constitution went into effect in June 1788.

2. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.
3. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article VII

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the Unanimous Consent of the States present, the Seventeenth Day of September, in the Year of our Lord one thousand seven hundred and Eighty-seven, and of the Independence of the United States of America the Twelfth. In Witness whereof We have hereunto subscribed our Names.

Signers

George Washington, **President and Deputy from Virginia**

New Hampshire

John Langdon
Nicholas Gilman

Massachusetts

Nathaniel Gorham
Rufus King

Connecticut

William Samuel Johnson
Roger Sherman

New York

Alexander Hamilton

New Jersey

William Livingston
David Brearley
William Paterson
Jonathan Dayton

Pennsylvania

Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer
Thomas FitzSimons
Jared Ingersoll
James Wilson
Gouverneur Morris

Delaware

George Read
Gunning Bedford, Jr.
John Dickinson
Richard Bassett
Jacob Broom

Maryland

James McHenry
Daniel of St. Thomas Jenifer
Daniel Carroll

Virginia

John Blair
James Madison, Jr.

North Carolina

William Blount
Richard Dobbs Spaight
Hugh Williamson

South Carolina

John Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler

Georgia

William Few
Abraham Baldwin

Attest:

William Jackson,
Secretary

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 1. **Freedom of Religion, Speech, Press, and Assembly (1791)**

The 1st Amendment protects the civil liberties of individuals in the United States. The 1st Amendment freedoms are not absolute, however. They are limited by the rights of other individuals.

Amendment 2. **Right to Bear Arms (1791)**

The purpose of this amendment is to guarantee states the right to keep a militia.

Amendment 3. **Quartering Troops (1791)**

This amendment is based on the principle that people have a right to privacy in their own homes. It also reflects the colonists' grievances against the British government before the Revolution. Britain had angered Americans by quartering (housing) troops in private homes.

Amendment 4. **Searches and Seizures (1791)**

Like the 3rd Amendment, the 4th Amendment reflects the colonists' desire to protect their privacy. Britain had used writs of assistance (general search warrants) to seek out smuggled goods. Americans wanted to make sure that such searches and seizures would be conducted only when a judge felt that there was "reasonable cause" to conduct them. The Supreme Court has ruled that evidence seized illegally without a search warrant may not be used in court.

Amendment 5. **Rights of Accused Persons (1791)**

To bring a "presentment" or "indictment" means to formally charge a person with committing a crime. It is the function of a grand jury to see whether there is enough evidence to bring the accused person to trial. A person may not be tried more than once for the same crime (double jeopardy). Members of the armed services are subject to military law. They may be tried in a court martial. In times of war or a natural disaster, civilians may also be put under martial law. The 5th Amendment also guarantees that persons may not be forced in any criminal case to be a witness against themselves. That is, accused persons may refuse to answer questions on the ground that the answers might tend to incriminate them.

Amendment 6. **Right to Speedy, Fair Trial (1791)**

The requirement of a “speedy” trial ensures that an accused person will not be held in jail for a lengthy period as a means of punishing the accused without a trial. A “fair” trial means that the trial must be open to the public and that a jury must hear witnesses and evidence on both sides before deciding the guilt or innocence of a person charged with a crime. This amendment also provides that legal counsel must be provided to a defendant. In 1963, the Supreme Court ruled, in *Gideon v. Wainwright*, that if a defendant cannot afford a lawyer, the government must provide one to defend him or her.

Amendment 7. **Civil Suits (1791)**

“Common law” means the law established by previous court decisions. In civil cases where one person sues another for more than \$20, a jury trial is provided for. But customarily, federal courts do not hear civil cases unless they involve a good deal more money.

Amendment 8. **Bail and Punishment (1791)**

“Bail” is money that an accused person provides to the court as a guarantee that he or she will be present for a trial. This amendment ensures that neither bail nor punishment for a crime shall be unreasonably severe.

Amendment 9. **Powers Reserved to the People (1791)**

This amendment provides that the people’s rights are not limited to those mentioned in the Constitution.

Amendment 10. **Powers Reserved to the States (1791)**

This amendment protects the states and the people from an all-powerful federal government. It provides that the states or the people retain all powers except those denied them or those specifically granted to the federal government. This “reserved powers” provision is a check on the “necessary and proper” power of the federal government provided in the “elastic clause” in Article I, Section 8, Clause 18.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Courts of the United States, than according to the rules of common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII

The Electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, **before the fourth day of March next following**, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Amendment 11. Suits Against States (1795)

This amendment provides that a lawsuit brought by a citizen of the United States or a foreign nation against a state must be tried in a state court, not in a federal court. This amendment was passed after the Supreme Court ruled that a federal court could try a lawsuit brought by citizens of South Carolina against a citizen of Georgia. This case, *Chisholm v. Georgia*, decided in 1793, was protested by many Americans, who insisted states would lose authority if they could be sued in federal courts.

Amendment 12. Election of President and Vice President (1804)

This amendment changes the procedure for electing the president and vice president as outlined in Article II, Section 1, Clause 3.

To prevent the recurrence of the election of 1800 whereby a candidate running for vice president (Aaron Burr) could tie a candidate running for president (Thomas Jefferson) and thus force the election into the House of Representatives, the 12th Amendment specifies that the electors are to cast separate ballots for each office. The votes for each office are counted and listed separately. The results are signed, sealed, and sent to the president of the Senate. At a joint session of Congress, the votes are counted. The candidate who receives the most votes, providing it is a majority, is elected president. Other changes include: (1) a reduction from the five to three candidates receiving the most votes among whom the House is to choose if no candidate receives a majority of the electoral votes, and (2) provision for the Senate to choose the vice president from the two highest candidates if neither has received a majority of the electoral votes.

The 12th Amendment does place one restriction on electors. It prohibits electors from voting for two candidates (president and vice president) from their home state.

Amendment 13. Abolition of Slavery (1865)

This amendment was the final act in ending slavery in the United States. It also prohibits the binding of a person to perform a personal service due to debt. In addition to imprisonment for crime, the Supreme Court has held that the draft is not a violation of the amendment.

This amendment is the first adopted to be divided into sections. It is also the first to contain specifically a provision granting Congress power to enforce it by appropriate legislation.

Amendment 14. Rights of Citizens (1868)

The clauses of this amendment were intended (1) to penalize Southern states that refused to grant African Americans the vote, (2) to keep former Confederate leaders from serving in government, (3) to forbid payment of the Confederacy's debt by the federal government, and (4) to ensure payment of the war debts owed the federal government.

Section 1. Citizenship Defined By granting citizenship to all persons born in the United States, this amendment granted citizenship to former slaves. The amendment also guaranteed “due process of law.” By the 1950s, Supreme Court rulings used the due process clause to protect civil liberties. The last part of Section 1 establishes the doctrine that all citizens are entitled to equal protection of the laws. In 1954 the Supreme Court ruled, in *Brown v. Board of Education of Topeka*, that segregation in public schools was unconstitutional because it denied equal protection.

Section 2. Representation in Congress This section reduced the number of members a state had in the House of Representatives if it denied its citizens the right to vote. This section was not implemented, however. Later civil rights laws and the 24th Amendment guaranteed the vote to African Americans.

Section 3. Penalty for Engaging in Insurrection The leaders of the Confederacy were barred from state or federal offices unless Congress agreed to revoke this ban. By the end of Reconstruction all but a few Confederate leaders were allowed to return to public life.

Amendment XIII

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State

legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States incurred for payment of pensions and bounties for service, authorized by law, including debts in suppressing insurrections or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among several States, and without regard to any census or enumeration.

Section 4. Public Debt The public debt incurred by the federal government during the Civil War was valid and could not be questioned by the South. However, the debts of the Confederacy were declared to be illegal. And former slaveholders could not collect compensation for the loss of their slaves.

Section 5. Enforcement Congress was empowered to pass civil rights bills to guarantee the provisions of the amendment.

Amendment 15. The Right to Vote (1870)

Section 1. Suffrage for African Americans The 15th Amendment replaced Section 2 of the 14th Amendment in guaranteeing African Americans the right to vote; that is, the right of African Americans to vote was not to be left to the states. Yet, despite this prohibition, African Americans were denied the right to vote by many states by such means as poll taxes, literacy tests, and white primaries.

Section 2. Enforcement Congress was given the power to enforce this amendment. During the 1950s and 1960s, it passed successively stronger laws to end racial discrimination in voting rights.

Amendment 16. Income Tax (1913)

The origins of this amendment went back to 1895, when the Supreme Court declared a federal income tax unconstitutional. To overcome this Supreme Court decision, this amendment authorized an income tax that was levied on a direct basis.

Amendment 17.

Direct Election of Senators (1913)

Section 1. Method of Election The right to elect senators was given directly to the people of each state. It replaced Article I, Section 3, Clause 1, which empowered state legislatures to elect senators. This amendment was designed not only to make the choice of senators more democratic but also to cut down on corruption and to improve state government.

Section 2. Vacancies A state must order an election to fill a Senate vacancy. A state may empower its governor to appoint a person to fill a Senate seat if a vacancy occurs until an election can be held.

Section 3. Time in Effect This amendment was not to affect any Senate election or temporary appointment until it was in effect.

Amendment 18.

Prohibition of Alcoholic Beverages (1919)

This amendment prohibited the production, sale, or transportation of alcoholic beverages in the United States. Prohibition proved to be difficult to enforce, especially in states with large urban populations. This amendment was later repealed by the 21st Amendment.

Amendment XVII

Section 1

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

Section 2

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

Section 3

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII

Section 1

After one year from ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2

The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the states of the Congress.

Amendment XIX

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

Amendment XX

Section 1

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of the Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

Section 3

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Amendment 19.

Woman Suffrage (1920)

This amendment, extending the vote to all qualified women in federal and state elections, was a landmark victory for the woman suffrage movement, which had worked to achieve this goal for many years. The women's movement had earlier gained full voting rights for women in four Western states in the late nineteenth century.

Amendment 20.

"Lame-Duck" Amendment (1933)

Section 1. New Dates of Terms This amendment had two major purposes: (1) to shorten the time between the president's and vice president's election and inauguration, and (2) to end "lame-duck" sessions of Congress.

When the Constitution first went into effect, transportation and communication were slow and uncertain. It often took many months after the election in November for the president and vice president to travel to Washington, D.C., and prepare for their inauguration on March 4. This amendment ended this long wait for a new administration by fixing January 20 as Inauguration Day.

Section 2. Meeting Time of Congress "Lame-duck" sessions occurred every two years, after the November congressional election. That is, the Congress that held its session in December of an election year was not the newly elected Congress but the old Congress that had been elected two years earlier. This Congress continued to serve for several more months, usually until March of the next year. Often many of its members had failed to be reelected and were called "lame-ducks." The 20th Amendment abolished this lame-duck session, and provided that the new Congress hold its first session soon after the November election, on January 3.

Section 3. Succession of President and Vice President

This amendment provides that if the president-elect dies before taking office, the vice president-elect becomes president. In the cases described, Congress will decide on a temporary president.

Section 4. Filling Presidential Vacancy If a presidential candidate dies while an election is being decided in the House, Congress may pass

legislation to deal with the situation. Congress has similar power if this occurs when the Senate is deciding a vice-presidential election.

Section 5. Beginning the New Dates Sections 1 and 2 affected the Congress elected in 1934 and President Roosevelt, elected in 1936.

Section 6. Time Limit on Ratification The period for ratification by the states was limited to seven years.

Amendment 21. **Repeal of Prohibition Amendment (1933)**

This amendment nullified the 18th Amendment. It is the only amendment ever passed to overturn an earlier amendment. It remained unlawful to transport alcoholic beverages into states that forbade their use. It is the only amendment ratified by special state conventions instead of state legislatures.

**Presidential
campaign button**



Amendment 22. **Limit on Presidential Terms (1951)**

This amendment wrote into the Constitution a custom started by Washington, Jefferson, and Madison, whereby presidents limited themselves to two terms in office. Although both Ulysses S. Grant and Theodore Roosevelt sought third terms, the two-term precedent was not broken until Franklin D. Roosevelt was elected to a third term in 1940 and then a fourth term in 1944. The passage of the 22nd Amendment ensures that no president is to be considered indispensable. It also provides that anyone who succeeds to the presidency and serves for more than two years of the term may not be elected more than one more time.

Section 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI

Section 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII

Section 1

No person shall be elected to the office of the President more than twice, and no person who had held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.

But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII

Section 1

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV

Section 1

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment 23.

Presidential Electors for the District of Columbia (1961)

This amendment granted people living in the District of Columbia the right to vote in presidential elections. The District casts three electoral votes. The people of Washington, D.C., still are without representation in Congress.

Amendment 24.

Abolition of the Poll Tax (1964)

A “poll tax” was a fee that persons were required to pay in order to vote in a number of Southern states. This amendment ended poll taxes as a requirement to vote in any presidential or congressional election. In 1966 the Supreme Court voided poll taxes in state elections as well.

Amendment 25.

Presidential Disability and Succession (1967)

Section 1. Replacing the President The vice president becomes president if the president dies, resigns, or is removed from office.

Section 2. Replacing the Vice President The president is to appoint a new vice president in case of a vacancy in that office, with the approval of the Congress.

The 25th Amendment is unusually precise and explicit because it was intended to solve a serious constitutional problem. Sixteen times in American history, before passage of this amendment, the office of vice president was vacant, but fortunately in none of these cases did the president die or resign.

This amendment was used in 1973, when Vice President Spiro Agnew resigned from office after being charged with accepting bribes. President Richard Nixon then appointed Gerald R. Ford as vice president in accordance with the provisions of the 25th Amendment. A year later, President Nixon resigned during the Watergate scandal, and Ford became president. President Ford then had to fill the vice presidency, which he had left vacant upon assuming the presidency. He named Nelson A. Rockefeller as vice president. Thus both the presidency and vice presidency were held by men who had not been elected to their offices.

Section 3. Replacing the President With Consent

If the president informs Congress, in writing, that he or she cannot carry out the duties of the office of president, the vice president becomes acting president.

Section 4. Replacing the President Without Consent

If the president is unable to carry out the duties of the office but is unable or unwilling to so notify Congress, the cabinet and the vice president are to inform Congress of this fact. The vice president then becomes acting president. The procedure by which the president may regain the office if he or she recovers is also spelled out in this amendment.

Amendment XXV

Section 1

In case of the removal of the President from office or his death or resignation, the Vice President shall become President.

Section 2

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take the office upon confirmation by a majority vote of both houses of Congress.

Section 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the power and duties of the office of Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is

unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the power and duties of his office.

Amendment XXVI

Section 1

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXVII

No law, varying the compensation for the services of Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Amendment 26.

Eighteen-Year-Old Vote (1971)

This amendment made 18-year-olds eligible to vote in all federal, state, and local elections. Until then, the minimum age had been 21 in most states.

Amendment 27.

Restraint on Congressional Salaries (1992)

Any increase in the salaries of members of Congress will take effect in the subsequent session of Congress.



Joint session of Congress